

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

In Re: AUTOMOTIVE PARTS  
ANTITRUST LITIGATION

Master File No. 12-md-02311  
Honorable Marianne O. Battani

THIS DOCUMENT RELATES TO:

All Actions

**DENSO CORPORATION AND DENSO INTERNATIONAL AMERICA, INC.'S  
MOTION FOR LEAVE TO FILE A SUR-REPLY TO MOVING PLAINTIFFS' REPLY  
AND STEVEN N. WILLIAMS' DECLARATION IN SUPPORT OF MOVING  
PLAINTIFFS' MOTION TO COORDINATE ALL ACTIONS IN MDL 2311**

Defendants DENSO Corporation and DENSO International America, Inc., by and through their counsel, respectfully move for leave to file a sur-reply to Moving Plaintiffs' Reply to address the Declaration of Steven N. Williams In Support of Motion of End-Payor Plaintiffs, Auto Dealer Plaintiffs, the State of Florida, and the City of Richmond to Coordinate All Actions in MDL 2311, 2:12-md-02311-MOB-MKM, ECF No. 729, filed June 2, 2014.

Defendants rely upon the following Brief in Support of their Motion.

In accordance with Eastern District of Michigan Local Rule 7.1(a) counsel for DENSO Corporation and DENSO International America, Inc., David Donovan, called and left a voice message for Steven N. Williams, Counsel for End-Payor Plaintiffs, on June 3, 2014, at approximately 1 p.m., to explain the nature of the motion and its legal basis, and ascertain whether the motion would be opposed. As of the time of this filing, despite reasonable efforts specified in the motion, the movant was unable to conduct a conference.

June 3, 2014

WILMER CUTLER PICKERING HALE AND DORR LLP

By: /s/David P. Donovan  
David P. Donovan  
Steven F. Cherry  
Seth B. Orkand  
WILMER CUTLER PICKERING HALE  
AND DORR LLP  
1875 Pennsylvania Avenue, NW  
Washington, DC 20006  
Telephone: (202) 663-6000  
Fax: (202) 663-6363  
david.donovan@wilmerhale.com  
steven.cherry@wilmerhale.com  
seth.orkand@wilmerhale.com

*Counsel for Defendants DENSO International America, Inc. and  
DENSO Corporation*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In Re: AUTOMOTIVE PARTS  
ANTITRUST LITIGATION

Master File No. 12-md-02311  
Honorable Marianne O. Battani

THIS DOCUMENT RELATES TO:

All Actions

**BRIEF IN SUPPORT OF DENSO CORPORATION AND DENSO INTERNATIONAL  
AMERICA, INC.'S MOTION FOR LEAVE TO FILE A SUR-REPLY TO MOVING  
PLAINTIFFS' REPLY AND STEVEN N. WILLIAMS' DECLARATION IN SUPPORT  
OF MOVING PLAINTIFFS' MOTION TO COORDINATE ALL ACTIONS IN MDL**

**2311**

**STATEMENT OF QUESTION PRESENTED**

Whether this Court should grant DENSO Corporation and DENSO International America, Inc.'s motion for leave to file a sur-reply to the Moving Plaintiffs' Reply and accompanying Declaration of Steven N. Williams, ECF Nos. 728, 729, 2:12-md-02311-MOB-MKM, where this Court has discretion to control its docket and where doing so would best serve the interest of justice.

DENSO Defendants' Answer : Yes.

Plaintiffs' Answer:

This Court Should Answer: Yes.

**CONTROLLING OR MOST APPROPRIATE AUTHORITIES**

**Cases**

*Kimble v. Hosco*, 439 F.3d 331 (6th Cir. 2006)

*Dupree v. Cranbrook Educ. Cmty.*, No.10-12094, 2012 WL 1060082 (E.D. Mich. Mar. 29, 2012)

DENSO Corporation and DENSO International America, Inc. seek leave to file the attached Declaration of Steven F. Cherry in sur-reply to address the Declaration of Steven N. Williams (ECF No. 729) that accompanied Moving Plaintiffs' Reply (ECF No. 728). Mr. Williams' Declaration addressed certain communications between himself and Mr. Cherry that Moving Plaintiffs rely on to assert that they satisfied their obligations to meet and confer prior to filing their motion to coordinate all cases (ECF 703). By allowing a responsive Declaration from Mr. Cherry, the Court will have a complete picture of the actual communications that preceded the filing of the Moving Plaintiffs' Motion. *See, e.g., Kimble v. Hosco*, 439 F.3d 331, 336 (6th Cir. 2006) ("[D]istrict courts ordinarily enjoy broad discretion in matters of pretrial management, scheduling, and docket control."); *Dupree v. Cranbrook Educ. Cmty.*, No. 10-12094, 2012 WL 1060082, at \*1 n.1 (E.D. Mich. Mar. 29, 2012).

Respectfully submitted,

June 3, 2014

WILMER CUTLER PICKERING HALE AND DORR LLP

By: /s/David P. Donovan  
David P. Donovan  
Steven F. Cherry  
Seth B. Orkand  
WILMER CUTLER PICKERING HALE  
AND DORR LLP  
1875 Pennsylvania Avenue, NW  
Washington, DC 20006  
Telephone: (202) 663-6000  
Fax: (202) 663-6363  
david.donovan@wilmerhale.com  
steven.cherry@wilmerhale.com  
seth.orkand@wilmerhale.com

*Counsel for Defendants DENSO International America, Inc. and  
DENSO Corporation*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 3, 2014, I caused the foregoing DENSO CORPORATION AND DENSO INTERNATIONAL AMERICA, INC.'S MOTION FOR LEAVE TO FILE A SUR-REPLY TO MOVING PLAINTIFFS' REPLY AND STEVEN N. WILLIAMS' DECLARATION IN SUPPORT OF MOVING PLAINTIFFS' MOTION TO COORDINATE ALL ACTIONS IN MDL 2311 AND BRIEF IN SUPPORT THEREOF to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/David P. Donovan

David P. Donovan

WILMER CUTLER PICKERING HALE  
AND DORR LLP

1875 Pennsylvania Avenue, NW  
Washington, DC 20006

Telephone: (202) 663-6000

Fax: (202) 663-6363

david.donovan@wilmerhale.com